

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CR-20340-WILLIAMS

UNITED STATES OF AMERICA,

vs.

MASPHAL KRY,

Defendant.

/

**DECLARATION OF JOHN R. BYRNE IN SUPPORT OF DEFENDANT MASPHAL
KRY'S MOTION TO SUPPRESS**

I, John R. Byrne, Esq., hereby declares under penalty of perjury under the laws of the United States, and to the best of my knowledge and belief, that the following is true and correct:

1. I am an attorney with Maderal Byrne PLLC and have been engaged to represent Defendant Masphal Kry in the above-referenced action. I submit this declaration in support of Mr. Kry's Motion to Suppress Statements pursuant to Fed. R. Crim. P. 12.
2. Mr. Kry and several other co-defendants have been charged with Conspiracy to Violate the Lacey Act, in violation of 18 U.S.C. § 371, and Smuggling, in violation of 18 U.S.C. § 545. [Dkt. No. 9].
3. According to a report produced by the Government, on November 16, 2022, while traveling to Panama City, Panama to attend a convention of International Trade in Endangered Species of Wild Fauna and Flora, Mr. Kry was presented with a warrant for his arrest and detained at John F. Kennedy International Airport ("JFK") in Queens, New York. [Dkt. No. 23].

4. As set out in the report, after being detained, Mr. Kry was brought into a room at JFK to be processed by officials of the U.S. Fish and Wildlife Service (“USFWS”) and questioned. Special Agents Fernando Gattorno and Dorothy Manera led the questioning.

5. On January 20, 2023, the Government produced to defense counsel a number of materials, including an audio recording of Mr. Kry’s November 16, 2022 interview with agents of the USFWS and a report summarizing the contents of the recording.

6. Defense counsel has prepared a transcript of the November 16, 2022 audio recording for the Court’s consideration. A true and correct copy of a transcription of the November 16, 2022 audio recording is attached hereto as **Exhibit A**.

7. A true and correct copy of the certificate of translation, certifying that the Khmer translations included in Exhibit A were provided by TransPerfect Legal Solutions, is attached hereto as **Exhibit B**.

Dated: February 17, 2023

Respectfully submitted,

By: **John R. Byrne**
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